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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

HALAZONETIS et al.

Serial No.: Not Yet Known

Application is a Divisional of
Serial No. 08/894,327
(Filed December 4, 1997)

Filed: April 11, 2001

For: PEPTIDES AND PEPTIDOMIMETICS WITH STRUCTURAL SIMILARITY
TO HUMAN p53 THAT ACTIVATE p53 FUNCTION

Atty. Docket No.: 002973.00031

Group Art Unit: Unknown

Examiner: Unknown

**REQUEST FOR CONFIRMATION OF ORIGINAL FILING DATE
AND SERIAL NUMBER**Commissioner for Patents
Washington, D. C. 20231

Sir:

On April 11, 2001, Applicants filed a Divisional Application, Fee Transmittal, Preliminary Amendment and Submission of Sequence Listing, Information Disclosure Statement, Form PTO-1449, Joint Declaration for Patent Application (copy), and copy of WO 96/25434 before the U.S. Patent and Trademark Office (USPTO). A copy of the date stamped receipt card as proof of the same is attached. Also, a copy of all papers filed on April 11, 2001 are attached hereto for the convenience of the Patent Office. Applicants have not yet received a filing receipt or notification of a serial number.

On October 9, 2001, Applicants submitted a Status Inquiry for the above-identified divisional patent application. Copy attached. Applicants filed a Second Status Inquiry on February 8, 2002. Copy attached. In response to that Second Status Inquiry, Applicants' undersigned attorney received a telephone call from "Rene" (703-308-1235) of the USPTO. She stated that application serial number 08/894,327 was patented as U.S. Patent No. 6,245,886, on June 12, 2001, and she did not know why she was given the Second Status Inquiry to respond to.

Divisional of Serial No. 08//894,327

2 -

Atty. Dkt. No. 002973.00031

Applicants followed up on this telephone call with a call to the Office of Initial Patent Examination (OIPE) (703-308-1202), who pointed out that the USPTO did not have any record of the April 11, 2001 divisional application as ever having been filed, and directed us to PCT Branch (703-305-3257).

Mr. Jim Lisehora of PCT Branch confirmed that the USPTO did not have any record of the April 11, 2001 divisional application as ever having been filed and referred us back to OIPE.

Applicants respectfully request the USPTO to accept the attached divisional patent application papers and the date stamped receipt card as proof of the April 11, 2001 filing and accord a filing date of April 11, 2001 and assign a serial number for the above-identified divisional application.

No fees are believed due for consideration of this Request. However, the Commissioner is authorized to charge Deposit Account No. 19-9733 for any fees deemed necessary.

Respectfully submitted,

Date: May 6, 2002

By:


Ajay Pathak
Ajay Pathak
Registration No. 38,266

Banner & Witcoff, Ltd.
1001 G Street, N.W.
Washington, D. C. 20001-4597
(202) 508-9100

Enclosures:

Divisional Application Transmittal
Fee Transmittal

Preliminary Amendment and Submission of Sequence Listing
Information Disclosure Statement
Form PTO-1449

Joint Declaration for Patent Application (copy)
Copy of WO 96/25434

Date stamped receipt card bearing USPTO date stamp of April 11, 2001
Status Inquiry dated October 9, 2001
Status Inquiry dated February 8, 2002

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 C.F.R. 1.53(b))

Attorney Docket No. 02973.00031

First Inventor Halazonetis et al.

Title Peptides and Peptidomimetics with Structural Similarity to Human p53 that Activate p53 Function

Express Mail Label No.

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. Applicant claims small entity status.
See 37 CFR 1.27.
3. Specification [Total Pages 47]
(preferred arrangement set forth below)
 - Descriptive title of the Invention
 - Cross References to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. Drawing(s) (35 U.S.C. 113) [Total Sheets]
5. Oath or Declaration [Total Pages]
 - a. Newly executed (original or copy)
 - b. Copy from a prior application (37 CFR 1.63 (d))
(for a continuation/divisional with Box 18 completed)
 - i. DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

7. CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - a. Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. CD-ROM or CD-R (2 copies); or
 - ii. paper
 - c. Statements verifying identity of above copies

ACCOMPANYING APPLICATIONS PARTS

9. Assignment Papers (cover sheet & document(s))
10. 37 C.F.R. §3.73(b) Statement Power of (when there is an assignee) Attorney
11. English Translation Document (if applicable)
12. Information Disclosure Statement (IDS)/PTO-1449 Copies of IDS Citations
13. Preliminary Amendment
14. Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent
17. Other: _____

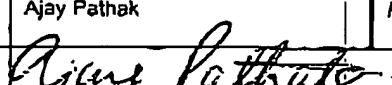
18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation Divisional Continuation-in-part (CIP) of prior application No: 08 / 694,327
Prior application information: Examiner J. Huff Group / Art Unit: 1642

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

17. CORRESPONDENCE ADDRESS

<input type="checkbox"/> Customer Number or Bar Code Label		22907		or <input type="checkbox"/> Correspondence address below	
(Insert Customer No. or Attach bar code label here)					
Name	Banner & Witcoff, LTD.				
Address	1001 G Street, NW, 11 th Floor				
City	Washington	State	DC	Zip Code	20001-4597
Country	USA	Telephone	202-508-9100		Fax 202-508-9299

Name (Print/Type)	Ajay Pathak	Registration No. (Attorney/Agent)	38,266
Signature			Date April 11, 2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

Under the Paperwork Reduction Act of 1995, persons are required to respond to a collection of information

PTO/SB/17 (11-00)
For use through 10/31/2002. OMB 0651-0032
Title: U.S. DEPARTMENT OF COMMERCE
...as it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2001

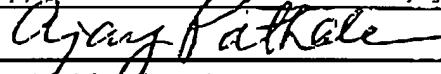
Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 710)

Complete if Known	
Application Number	TBA
Filing Date	Herewith
First Named Inventor	Halazonetis et al.
Examiner Name	Unknown
Group / Art Unit	Unknown
Attorney Docket No.	02973.000031

METHOD OF PAYMENT (check one)				FEE CALCULATION (continued)																																																																																																																																																																																																	
<p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:</p> <p>Deposit Account Number <input type="text" value="19-0733"/></p> <p>Deposit Account Name <input type="text" value="Banner & Witcoff, LTD"/></p> <p><input type="checkbox"/> Charge Any Additional Fees Required Under 37 CFR 1.16 and 1.17</p> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p>				<p>3. ADDITIONAL FEES</p> <table border="1"> <thead> <tr> <th>Large Entity Fee Code (\$)</th> <th>Fee (\$)</th> <th>Small Entity Fee Code (\$)</th> <th>Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td>Surcharge - late filing fee or oath</td><td><input type="text"/></td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td><input type="text"/></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td>Non-English specification</td><td><input type="text"/></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td>For filing a request for reexamination</td><td><input type="text"/></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>820*</td><td>Requesting publication of SIR prior to Examiner action</td><td><input type="text"/></td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td><input type="text"/></td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td>Extension for reply within first month</td><td><input type="text"/></td></tr> <tr><td>116</td><td>390</td><td>216</td><td>185</td><td>Extension for reply within second month</td><td><input type="text"/></td></tr> <tr><td>117</td><td>890</td><td>217</td><td>445</td><td>Extension for reply within third month</td><td><input type="text"/></td></tr> <tr><td>118</td><td>1,390</td><td>218</td><td>685</td><td>Extension for reply within fourth month</td><td><input type="text"/></td></tr> <tr><td>128</td><td>1,890</td><td>228</td><td>945</td><td>Extension for reply within fifth month</td><td><input type="text"/></td></tr> <tr><td>119</td><td>310</td><td>219</td><td>155</td><td>Notice of Appeal</td><td><input type="text"/></td></tr> <tr><td>120</td><td>310</td><td>220</td><td>155</td><td>Filing a brief in support of an appeal</td><td><input type="text"/></td></tr> <tr><td>121</td><td>270</td><td>221</td><td>135</td><td>Request for oral hearing</td><td><input type="text"/></td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td><input type="text"/></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td>Petition to revive - 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Large Entity Fee Code (\$)	Fee (\$)	Small Entity Fee Code (\$)	Fee (\$)	Fee Description	Fee Paid																																																																																																																																																																																																
101	710	201	355	Utility filing fee	710																																																																																																																																																																																																
106	320	205	160	Design filing fee	<input type="text"/>																																																																																																																																																																																																
107	490	207	245	Plant filing fee	<input type="text"/>																																																																																																																																																																																																
108	710	208	355	Reissue filing fee	<input type="text"/>																																																																																																																																																																																																
114	150	214	75	Provisional filing fee	<input type="text"/>																																																																																																																																																																																																
Large Entity Fee Code (\$)	Fee (\$)	Small Entity Fee Code (\$)	Fee (\$)	Fee Description	Fee Paid																																																																																																																																																																																																
103	18	203	9	Claims in excess of 20	<input type="text"/>																																																																																																																																																																																																
102	80	202	40	Independent claims in excess of 3	<input type="text"/>																																																																																																																																																																																																
104	270	204	135	Multiple dependent claim, if not paid	<input type="text"/>																																																																																																																																																																																																
109	80	209	40	" Reissue independent claims over original patent	<input type="text"/>																																																																																																																																																																																																
110	18	210	9	" Reissue claims in excess of 20 and over original patent	<input type="text"/>																																																																																																																																																																																																

**or number previously paid, if greater. For Reissues, see above

SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	Ajay Pathak	Registration No. Attorney/Agent)	38,266
Signature			Telephone 202-508-9100
Date	April 11, 2001		

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